

Serial No.: 09/175,156

Attorney Docket No.: 1998P07912US

REMARKS

Upon entry of the instant Amendment, Claims 1-27 are pending. Claims 1, 10 and 16 have been amended to more particularly point out Applicants' invention.

Claims 10, 14-16, 19 and 22-24 have been rejected under 35 U.S.C. §102(e) as being anticipated by Bremer, U.S. Patent No. 6,018,671 ("Bremer"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Bremer.

As discussed in the Specification, according to one embodiment of the present invention, a telephone device may be provided that includes a ring detector, a command interface, a controller and a telephone network interface. In response to an incoming call, the ring detector alerts the called party and causes the controller to activate the command interface. The command interface is activated for a predetermined time while the call is still ringing. While activated, the called party can select or enter a playback message. In certain embodiments, the playback message can be a voice message spoken by the called party during the activation period. After the playback message is entered by the called party, the telephone device answers the incoming call, automatically plays the customized message to the calling party via the telephone network and releases the call. Otherwise, the called party can answer the call by taking the phone off hook.

Thus, claim 10 has been amended to recite "a controller for activating the command interface in response to the detection signal and for transferring the customized message to the caller, wherein the controller is an element of the telephone, the customized message being transferred from the telephony device via the telephone network wherein the controller is configured to record the customized message while the incoming call is pending;" claim 16 recites "generating, from the recipient telephone, an audio message based on the command."

In contrast, Bremer provides only for a user to select a prerecorded message and does not permit the user to customize a message on the fly, as in the present invention. See, e.g., Col. 4, lines 7-10 ("If the user selects a message, the controller

Serial No.: 09/175,156

Attorney Docket No.: 1998P07912US

110 recalls the selected message from memory 126 and controls the transmitter to transmit the message...). Because the user cannot record a message while the call is pending, and transmit it over the telephone network, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 1-4, 7-9, 20, 21, and 25-27 were rejected under 35 U.S.C. §103 as being unpatentable over Bremer in view of Adams, U.S. Patent No. 6,400,814 ("Adams"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Bremer or Adams, either singly or in combination.

Bremer has been discussed above. Like Bremer, Adams does not teach recording a message while a call is pending. Adams relates merely to a ringing silencer; the user can mute the ringer and/or terminate the call or transfer it to voicemail. However, the user in Adams does not provide for "enabling selective entry of a user message entered in response to the alert while the incoming call is pending and still ringing to the calling party." As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 5 and 6 were rejected under 35 U.S.C. §103 as being unpatentable over Bremer, Adams, and further in view of Wolff et al., U.S. Patent No. 5,237,486 ("Wolff"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Bremer, Adams or Wolff, either singly or in combination. Bremer and Adams have been discussed above. Wolff is relied on merely for allegedly teaching a voice recognition unit.

Assuming this to be true Wolff, however, does not remedy the deficiencies of the other references in teaching the invention of the underlying claims. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 11-13, 17 and 18 were rejected under 35 U.S.C. §103 as being unpatentable over Bremer in view of Wolff. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Bremer or Wolff, either singly or in combination. Bremer and Wolff have been discussed above. For reasons similar to those discussed above, Applicants believe these claims, too, are in condition for allowance.

Serial No.: 09/175,156

Attorney Docket No.: 1998P07912US

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

It is believed no fee is due at this time. However, should the Examiner disagree, he is authorized to charge our Deposit Account No. 19-2179. Please also charge this deposit account, at any time during the pendency of this application, for any additional fees required, or credit any overpayment, pursuant to 37 CFR §1.25.

Respectfully requested,

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